

# United States District Court

MIDDLE

DISTRICT OF

TENNESSEE (NASHVILLE DIVISION)

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be)

## SEARCH WARRANT

The Premises of Gibson Guitar,  
641 Massman Drive, Nashville,  
Tennessee, 37210, and  
More Particularly Described as a  
Two-Story Industrial / Manufacturing Plant  
with Office Support on the Second Floor, and  
All Other Outbuildings, Appurtenances,  
Storage Areas, and Units Associated Therewith

CASE 09-2133 MK

TO: Agents of the United States Fish and Wildlife Service and any Authorized Officer of the United States, Affidavit(s) having been made before me by Special Agent Kevin L. Seiler who has reason to believe that

☐ on the person of, or ☒ on the premises known as (name, description and/or )

See Attachment A1

in the MIDDLE District of TENNESSEE there is now concealed a certain person or property, namely (describe the person or property)

See Attachment B

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 11/22/09 (not to exceed 10 days)

Date

the person or place named above for the person or property specified, serving this warrant and making the search ☒ in the daytime --- 6:00 A.M. to 10:00 P.M. ☐ at anytime in the day or night as I find reasonable cause has been established and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to Magistrate Judge as required by law.

U.S. Judge or Magistrate

November 12, 2009 at 2:40 pm

Date Issued

Time Issued

in Nashville, Tennessee


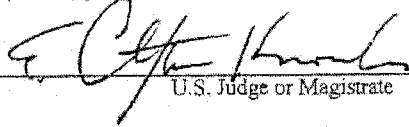
City and State

Judge E. Clifton Knowles

Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer



<b>RETURN</b>		Case Number: 2009204776	
DATE WARRANT RECEIVED 11/12/2009	DATE AND TIME WARRANT EXECUTED 11/12/2009 0800	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH TINA HOPKINS	
INVENTORY MADE IN THE PRESENCE OF DANIEL MCNAMARA			
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT 303 GIGABITES OF DATA			
<b>CERTIFICATION</b>			
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant. 			
Subscribed, sworn to, and returned before me this date.  11/18/09 Date			



## Attachment A1

### *Descriptions Of Places And Items To Be Searched*

#### **Premises**

The premises of 641 Massman Drive, Nashville, Tennessee 37210, Davidson County, Tennessee, in the Middle District of Tennessee, including all attached and unattached rooms, offices, storage areas, containers, trash area, surrounding grounds, and outbuildings assigned to or part of, the premises.

#### **Premises' Physical Description**

Stories: Two

#### **Color and Construction type:**

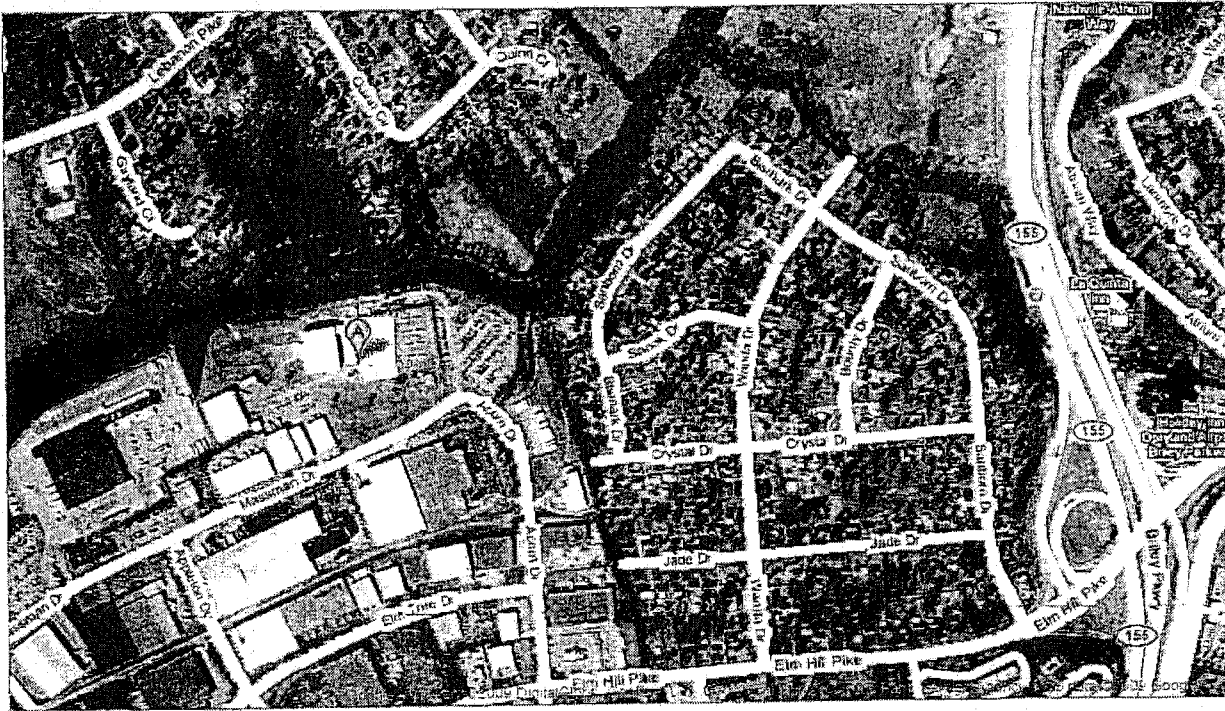
Part of the building is red brick (the right portion as you look at it from the street), and the left side of the building is constructed of light beige steel and blue at the bottom in some places. The building has a wide brown trim along the roofing; the main part of the building is labeled 641 and the far left part of the building is labeled as 643, although these parts of the building appear to be connected at the back by a narrow passageway, as depicted in the attachments.

Markings: The number 641 is in white on a brown sign located on the brown trim at the right corner of the building as you face the building from the street. "Gibson Guitar Company" is in blue lettering on a white sign on the right side of the brick part of the building as you face the building from the street. The number 643 is on the far left side of building as you face the building from the street.

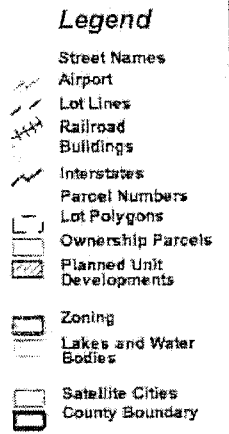
#### **Premises Location**

The building is located within Davidson County, at 641 (and 643) Massman Drive, Nashville, Tennessee 37210. See also attached Google and Metro maps with building identified as "A" and three photographs of the building from the street.







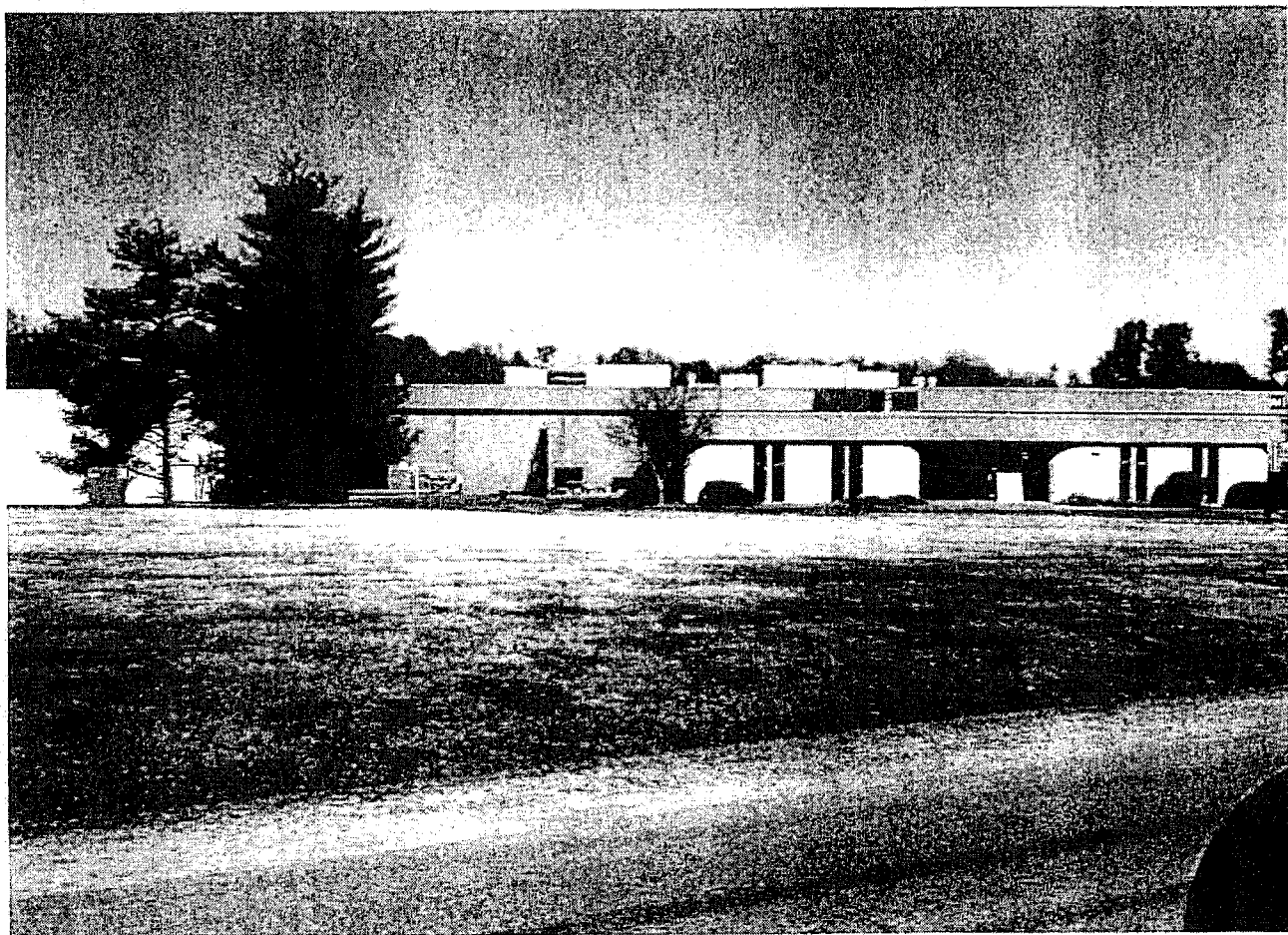


Case 3:10-cv-00747 Document 3-1 Filed 08/09/10 Page 5 of 25 PageID #: 27

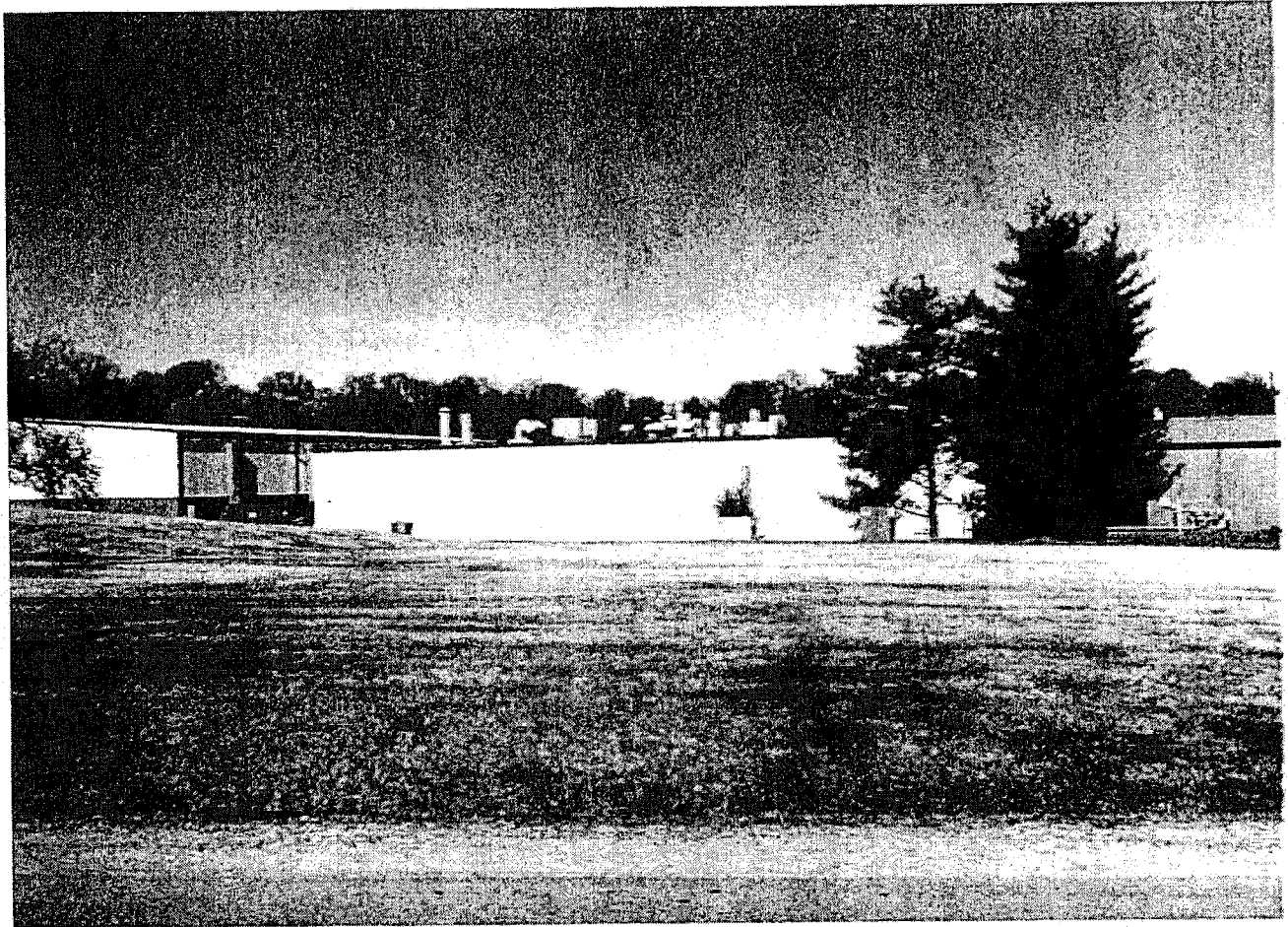














**Attachment B**  
**Evidence to Be Seized**

1. Any and all original and/or reproduced records, whether in hard copy, electronic format or other form, related to the harvest, identification, regulation, acquisition, transportation, import, export, shipping, payment, purchase, barter, processing of, sales, purchases, reporting, recordkeeping, and/or disposition of Madagascar Ebony (*Diospyros* species) wood, Rosewood or "Palisander" (*Dalbergia* species) wood, to include all such wood products. (MADAGASCAR) (MADAGASCAR)

The term "records" includes but is not be limited to:

- documents,
- shipping records,
- invoices,
- manifests,
- bills of lading,
- receipts,
- billing records,
- financial records (including bank statements, deposits, withdrawals, checks, wire transfer, cash transactions),
- accounting ledgers,
- trip tickets,
- landing records,
- logbook entries,
- reporting data,
- facsimile ("fax") transmissions (including records of receipt/transmission),
- notes,
- travel records,
- travel itineraries,
- photographs,
- electronic communication (e-mail),
- memorandums,
- reports, and
- correspondences.

2. Wood and wood products composed of Madagascar Ebony (*Diospyros* species), including but not limited to finished, semi-worked wood products and unworked wood.



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE  
DIVISION OF LAW ENFORCEMENT

PROPERTY RECEIPT

RECEIVED/SEIZED FROM: 641 Massman Gibson Guitar Nashville, TN		DATE AND TIME OF RECEIPT: 11/17/09	FILE NUMBER:
RECEIVED/SEIZED BY: U.S. FWS : ICE		LOCATION: 641 Massman Nashville, TN	
ITEM NO. ST	DESCRIPTION:		
884002	Custom shop receipt - Russ stoops		
884006	Wood samples from Gene Nix		
884009	Documents : Business cards (Nix) desk		
884001	Documents - desk and cabinet Justin Morris		
884003	Documents - desk - scott McDaniels		
884004	Purchase orders Herb Jenkins office		
884005	Purchase orders - file cabinet Production office		
884010	Documents - Herb Jenkins office		
I hereby certify that the above is a correct and complete inventory of items (received/seized by) (transferred from) the undersigned officer at the above stated date, time and place, and that the said inventory was made in the presence of:		OFFICER: Eugene M. Bendele	
		WITNESS: 32 [Signature] 649	
I hereby acknowledge receipt of a copy of this inventory and that it is true and complete:		SIGNATURE: [Signature]	



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE  
DIVISION OF LAW ENFORCEMENT

PROPERTY RECEIPT

RECEIVED/SEIZED FROM: GIBSON GUITAR 641 Massman Nashville, TN	DATE AND TIME OF RECEIPT: 11/17/09, 9:30 AM	FILE NUMBER:
RECEIVED/SEIZED BY: SA Langeland, ICE (TAL)	LOCATION: Gibson Guitar, 641 Massman Dr Nashville, TN	

ITEM NO.	DESCRIPTION:
1	Seizure tag # 884011
2	Pallet of Ebony fingerboards
3	Pallet of 4 tubs (green) of ebony fingerboards
4	Pallet of 6 tubs and one box of ebony
5	1 Box of finger boards ebony
6	2 Boxes of necks, ebony
7	Rolling cart w/ drying ebony
8	Internal movement memo
	2 small of ebony

I hereby certify that the above is a correct and complete inventory of items (received/seized by) (transferred from) the undersigned officer at the above stated date, time and place, and that the said inventory was made in the presence of:	OFFICER: McNamara / [Signature]
	WITNESS: [Signature] #649
I hereby acknowledge receipt of a copy of this inventory and that it is true and complete:	SIGNATURE: [Signature]



# PROPERTY RECEIPT

RECEIVED/SEIZED FROM:

Gibson Guitar

DATE AND TIME OF RECEIPT:

11/17/09, 9:30 AM

FILE NUMBER:

RECEIVED/SEIZED BY:

SA Nelson, SA Mackdanz, ICE Nashville

LOCATION:

Gul Massman  
Gibson Guitar, Nashville, TN

ITEM NO.

DESCRIPTION:

1

Seizure tag: 884000  
Accounting file on "Wagel", 2 documents on Karl Klier, "Vikwood"  
file from Accounting

2

2008, 2009 Accounting documents

1

Seizure tag # 884012  
Monthly Accounting/Accounts Payable reports  
covering the year "2009"

1

Seizure tag # 884017  
"IC Nov 08 report"

I hereby certify that the above is a correct and complete inventory of items (received/seized by) (transferred from) the undersigned officer at the above stated date, time and place, and that the said inventory was made in the presence of:

OFFICER:

McNamara / DJ

WITNESS:

Russell #649

I hereby acknowledge receipt of a copy of this inventory and that it is true and complete:

SIGNATURE:

[Signature]



# PROPERTY RECEIPT

RECEIVED/SEIZED FROM:

Gibson Guitar

DATE AND TIME OF RECEIPT:

11/17/09 1220

FILE NUMBER:

RECEIVED/SEIZED BY:

SA McNamara

LOCATION:

Gibson Guitar, 641 Massman, Nashville, TN

ITEM NO.

DESCRIPTION:

- 1 ST# 884013  
guitar, SN 030790441
- 2 guitar, SN 031590512
- 3 guitar, SN 03069030(6) or (8)
- 4 guitar, SN 030290647
- 5 guitar, SN 029590524
- 6 guitar, DF 2396

I hereby certify that the above is a correct and complete inventory of items (received/seized by) (transferred from) the undersigned officer at the above stated date, time and place, and that the said inventory was made in the presence of:

OFFICER:

McNamara / [Signature]

WITNESS:

[Signature] #649

I hereby acknowledge receipt of a copy of this inventory and that it is true and complete:

SIGNATURE:

[Signature]



# United States District Court

MIDDLE

DISTRICT OF

TENNESSEE (NASHVILLE DIVISION)

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be)

## SEARCH WARRANT

The Premises of Red Arrow  
Delivery Service, 1120 Visco Drive,  
Nashville, Tennessee, 37210, and  
More Particularly Described as a  
Beige Steel Building with Red Trim and  
Labeled with "1120" on the Front Door, and  
All Other Outbuildings, Appurtenances,  
Storage Areas, and Units Associated Therewith

CASE 09-2134 MK

TO: Agents of the United States Fish and Wildlife Service and any Authorized Officer of the United States, Affidavit(s) having been made before me by Special Agent Kevin L. Seiler who has reason to believe that

☐ on the person of, or ☒ on the premises known as (name, description and/or )

See Attachment A2

in the MIDDLE District of TENNESSEE there is now concealed a certain person or property, namely (describe the person or property)

See Attachment B

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 11/22/09 (not to exceed 10 days)  
Date

the person or place named above for the person or property specified, serving this warrant and making the search ☒ in the daytime --- 6:00 A.M. to 10:00 P.M. ☐ ~~at anytime in the day or night~~

as I find reasonable cause has been established and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to Magistrate Judge as required by law.

U.S. Judge or Magistrate

November 12, 2009 at 2:40 pm  
Date Issued Time Issued

Judge E. Clifton Knowles  
Name and Title of Judicial Officer

in Nashville, Tennessee  
City and State

E. Clifton Knowles  
Signature of Judicial Officer







## Attachment A2

### *Descriptions Of Places And Items To Be Searched*

#### **Premises**

The premises of 1120 Visco Drive, Nashville, Tennessee 37210, Davidson County, Tennessee, in the Middle District of Tennessee, including all attached and unattached rooms, offices, storage areas, containers, trash area, surrounding grounds, and outbuildings assigned to or part of, the premises.

#### **Premises' Physical Description**

Construction type: steel with bay doors

Color: beige with red trim

Label: labeled with the number "1120" on the front door facing the street

#### **Premises Location**

This residence is located within Davidson County. It is located at 1120 Visco Drive, Nashville, Tennessee 37210. This is a cargo and distributions facility with bay doors that is beige colored steel with red trim. The building has an office area in the front and is labeled with the number "1120" on the front door facing the street. See also attached Metro GIS information, Google map, and 2 photographs.



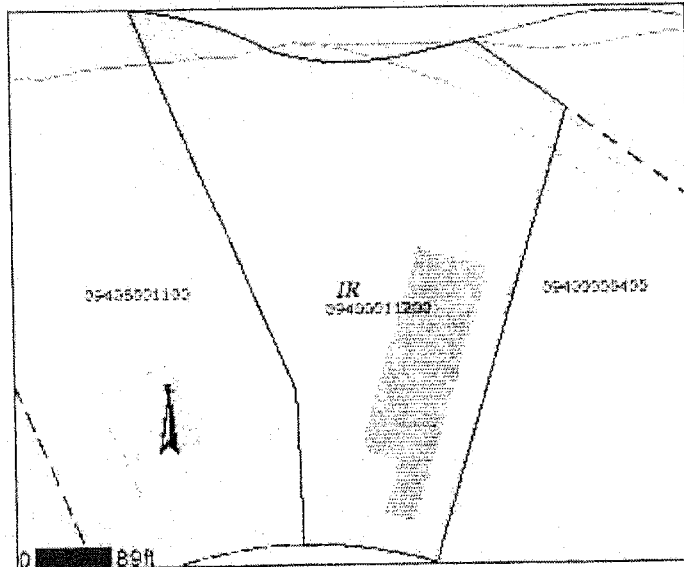


800 2nd Ave S  
Nashville, TN 37210  
[www.nashville.gov/mpc](http://www.nashville.gov/mpc)

**Parcel ID:** 09400011200  
**Property Address:** 1120 VISCO DR  
NASHVILLE, TN 37210

**Owner Information:** VANDEVORT, W. WAYNE  
1120 VISCO DR  
NASHVILLE, TN 37210  
Date Acquired: 10/20/2004  
Document: QC-20041025  
0127970

**General Information:** Census Tract: 14900  
Council District: 15  
Land Use: 077,  
TERMINAL/DISTRIBUTION  
WAREHOUSE



**Property Information:** Description: N SIDE VISCO DR N OF OMOHUNDRO DR  
Acreage: 3.92  
Dimensions: 0X0  
Document: DB-00004817 0000582

**Zoning:**

Zoning: IR, INDUSTRIAL,  
RESTRICTIVE  
Date Effective: 12/24/1974  
Case Number:  
Bill Number: 073-650

**Overlays:**

Overlay District: OV-FLD, FLOOD  
OVERLAY  
Date Effective: 12/24/1974  
Case Number:  
Bill Number: 073-650  
Overlay District: OV-AIR, AIRPORT  
OVERLAY  
Date Effective: 12/24/1974  
Case Number:  
Bill Number: 073-650

**Assessment**

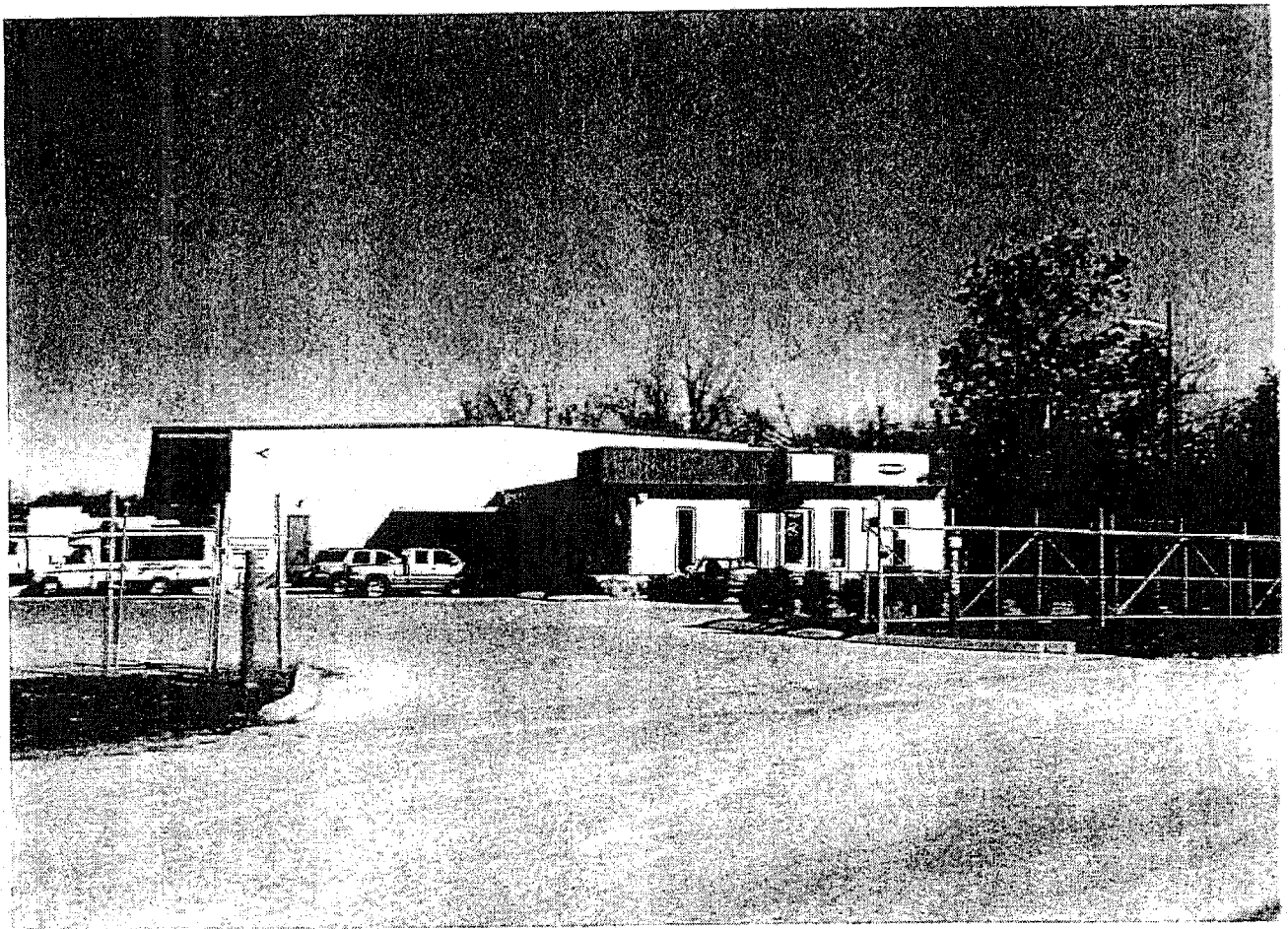
**Information:** Sale Price:  
Date Assessed: 1/1/2009  
Classes: C  
Land Appraised Value: \$211,700.00  
Improvement Appraised Value: \$746,200.00  
Total Appraised Value: \$957,900.00  
USD/GSD: URBAN SERVICES DISTRICT  
Service Area/Field Book: 02DA 68885

Created: 10/20/2009 2:04:17 PM

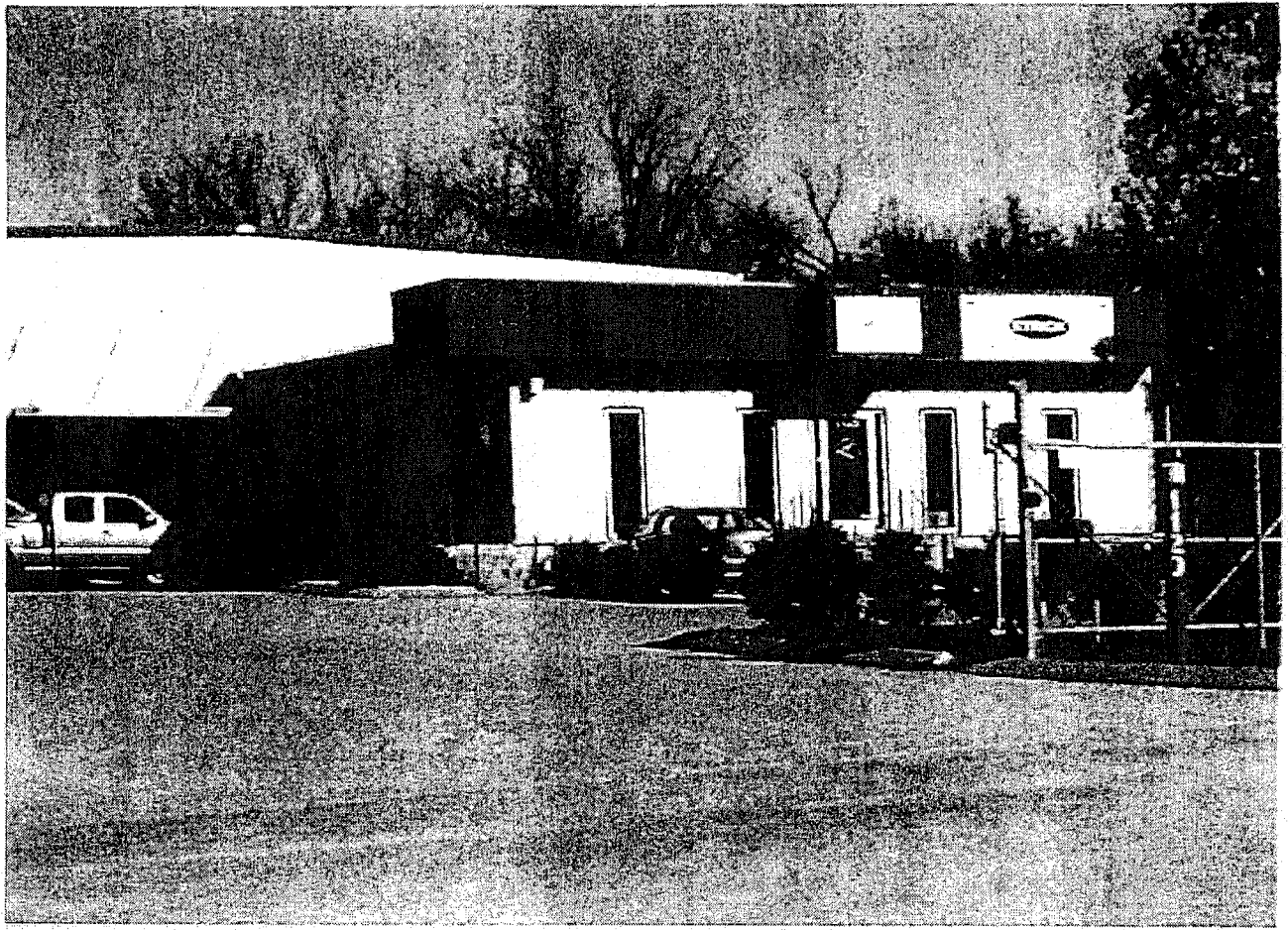














**Attachment B**  
**Evidence to Be Seized**

1. Any and all original and/or reproduced records, whether in hard copy, electronic format or other form, related to the harvest, identification, regulation, acquisition, transportation, import, export, shipping, payment, purchase, barter, processing of, sales, purchases, reporting, recordkeeping, and/or disposition of Madagascar Ebony (*Diospyros* species) wood, Rosewood or "Palisander" (*Dalbergia* species) wood, to include all such wood products. (MADAGASCAR) (MADAGASCAR)

The term "records" includes but is not be limited to:

- documents,
- shipping records,
- invoices,
- manifests,
- bills of lading,
- receipts,
- billing records,
- financial records (including bank statements, deposits, withdrawals, checks, wire transfer, cash transactions),
- accounting ledgers,
- trip tickets,
- landing records,
- logbook entries,
- reporting data,
- facsimile ("fax") transmissions (including records of receipt/transmission),
- notes,
- travel records,
- travel itineraries,
- photographs,
- electronic communication (e-mail),
- memorandums,
- reports, and
- correspondences.

2. Wood and wood products composed of Madagascar Ebony (*Diospyros* species), including but not limited to finished, semi-worked wood products and unworked wood.



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE  
DIVISION OF LAW ENFORCEMENT

SEIZED PROPERTY  
INVENTORY

SEIZED FROM

Red Arrow Delivery Service

DATE OF SEIZURE

11/17/09

PLACE OF SEIZURE

Red Arrow Delivery 1120 Visco Drive Nashville TN

AMOUNT OR  
QUANTITY

DESCRIPTION

2

File Folders That Contain Invoices

7

Pallets w/ pieces of lumber.

END

I HEREBY CERTIFY THAT THE ABOVE IS A CORRECT AND ACCURATE INVENTORY OF PROPERTY SEIZED AT THE ABOVE MENTIONED TIME AND PLACE, AND THAT THE SAID INVENTORY WAS MADE IN THE PRESENCE OF

WITNESS (Signature)

SPECIAL AGENT

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS INVENTORY AND ACKNOWLEDGE THAT IT IS CORRECT.

SIGNATURE



# United States District Court

MIDDLE

DISTRICT OF

TENNESSEE (NASHVILLE DIVISION)

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be)

## SEARCH WARRANT

The Servers Located at the  
Gibson Guitar Headquarters,  
309 Plus Park Blvd.  
Nashville, Tennessee 37217

09-2139 MK

TO: Agents of the United States Fish and Wildlife Service and any Authorized Officer of the United States, Affidavit(s) having been made before me by Special Agent Kevin L. Seiler who has reason to believe that

☐ on the person of, or ☒ on the premises known as (name, description and/or )

The computer servers located at the Gibson Guitar headquarters, 309 Plus Park Blvd., Nashville, Tennessee 37217, Davidson County, Tennessee, in the Middle District of Tennessee.

in the MIDDLE District of TENNESSEE there is now concealed a certain person or property, namely (describe the person or property)

See Attachment A

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 11/27/09 (not to exceed 10 days)  
Date

the person or place named above for the person or property specified, serving this warrant and making the search ☒ in the daytime — 6:00 A.M. to 10:00 P.M. ☐ at anytime in the day or night

as I find reasonable cause has been established and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to Magistrate Judge as required by law.

U.S. Judge or Magistrate

November 17, 2009

Date Issued

at

1:53 pm

Time Issued


in

Nashville, Tennessee

City and State

Judge E. Clifton Knowles

Name and Title of Judicial Officer

  
Signature of Judicial Officer



<b>RETURN</b>		Case Number: (2009 204776)	09-2139 MK
DATE WARRANT RECEIVED 11/17/2009	DATE AND TIME WARRANT EXECUTED 1430 HRS 11/17/2009	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH TIM HARVEY	
INVENTORY MADE IN THE PRESENCE OF SSA JAMES POBBAY			
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT  56 GIGABITES OF DATA			
<b>CERTIFICATION</b>			
I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.  <u>[Signature]</u>			
Subscribed, sworn to, and returned before me this date.  <u>E. C. [Signature]</u> 11/18/09 U.S. Judge or Magistrate Date			



**Attachment A**  
**Evidence to Be Seized**

Any and all original and/or reproduced records related to the harvest, identification, regulation, acquisition, transportation, import, export, shipping, payment, purchase, barter, processing of, sales, purchases, reporting, recordkeeping, and/or disposition of Madagascar Ebony (*Diospyros* species) wood and Madagascar Rosewood or "Palisander" (*Dalbergia* species) wood.

Madagascar  
SEP  
ETC

The term "records" includes but is not be limited to:

- documents,
- shipping records,
- invoices,
- manifests,
- bills of lading,
- receipts,
- billing records,
- financial records (including bank statements, deposits, withdrawals, checks, wire transfer, cash transactions),
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